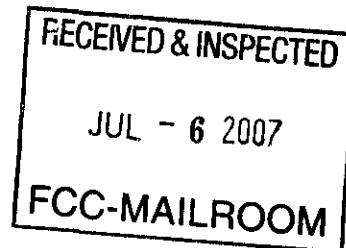


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July 3, 2007

Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

07-57

Re: XM-Sirius Merger

Dear Chairman Martin;

I am writing to you to rebut Senator's Herb Kohl's letter to you asking that you reject the deal combining XM and Sirius satellite radio. Senator Kohl does not represent my viewpoint.

I am a middle-class consumer in favor of the merger. As a consumer I (we) should have the final say in this merger, not a politician who is "acting in the public interest".

Here are two quotes/points that Senator Kohl uses to defend his argument against the merger and here are my responses to those arguments:

"Satellite radio is a unique service for which none of the other audio services is a substitute. Uncertain promises of competition from new technologies tomorrow do not protect consumers from higher prices today."

"Elimination of the head-to-head competition currently offered by XM and Sirius leaving only a monopoly satellite radio service will likely result in higher prices and poorer service being offered to consumers."

I commute three hours a day and financially have access to all the latest technology to occupy my time while on the road. Such as: Satellite radio, iPod's and other MP3 players, terrestrial radio, cell phones with download capability, just to name a few. I know this technology because I use it. I also know that any of these mediums can be out of business in months because of the pace of technology. There is no longer such a thing called a monopoly in technology. It can't exist. Competition comes from the threat of newer technologies and other forms of medium, not from satellite itself.

When I bought my last car I didn't have a choice which satellite radio I wanted. It was either Sirius or nothing. My previous car was XM, or nothing. Each provider has different content and a merger will actually give me more choices than exist today. I would love to listen to Sirius's Broadway channel and listen to XM's football broadcast of the Penn State games (or a good ACC game ☺). Currently I don't have that choice.

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The Senators quotes say that if a merger is allowed to happen that prices will increase. So *what, let the market decide. If the price gets too high I won't subscribe. It's really that simple.* I will download more books on tape or podcasts to my iPOD and play that in my car. If pricing is the Senator's issue look at the Echo-Star/DirectTV merger that his same committee recommended against. Satellite TV has to compete with Comcast (cable) and Verizon (telecommunications) (real monopolies in our area), not with each other. My cable bill goes up every month. The Comcast building is the largest in Philadelphia. Had the merger been allowed to go through there would have been more competition and it would have kept my cable bill lower. So, thank you Senator Kohl for giving me less choice and raising my prices. The very thing he argues against, happened.

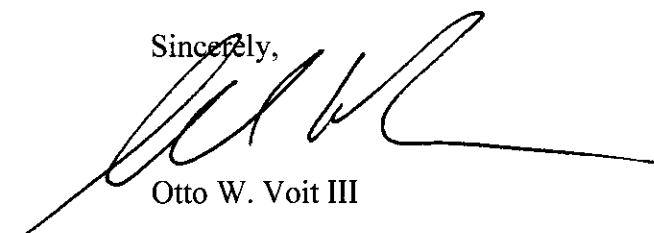
If this merger is allowed to go through it will create more competition, not less. If it is not allowed to merge, one company will eventually go bankrupt or raise its process and the same situation (monopoly) will occur that Senator says he is trying to prevent. Further, I would argue that both companies will be weakened if a merger doesn't occur. The threat of price increases is a poor argument against a merger. Me, the consumer, will decide if we want to pay it or not. If not, I will find something else. I really don't have to have satellite radio.

Senator Kohl also says "Satellite radio is a unique service for which none of the other audio services is a substitute." I couldn't disagree more. I don't know what the economic term is for substitutes but the Senator has it all wrong. We don't have to have satellite radio. I will substitute something else if it gets too high. I will listen to something else.

A XM spokesman said "companies continue to believe that the regulatory agencies conducting formal reviews of the merger will conclude that the combination of Sirius and XM will increase programming choices and improve pricing for consumers, and that the audio entertainment market after the merger will remain robust, competitive and open to new entrants." I agree that the merger will provide better programming which will lead to greater competition with other sources of entertainment. I believe that the audio market will be more robust. More success in this segment of the market (satellite radio) will lead to more entrants. It may not be satellite but it could be wireless or what ever else technology brings. I disagree that regulatory agencies will ultimately see the benefit of this merger because their view is stuck in the old world: that competition must come from within the segment (satellite) not from the broader segment (radio/entertainment/news). After all – regulatory agencies disapproved the Echo-Star/DirectTV merger.

So I write to you as a consumer. I want the merger of XM/Sirius to be approved because it will give me more choice, not less.

Sincerely,



Otto W. Voit III

Ltr, Chairman Martin
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Cc: Senator Herb Kohl